

Appl. No. 10/612,254
Amdt. Dated January 10, 2005
Reply to Office Action of October 8, 2004

• • R E M A R K S / A R G U M E N T S • •

The Official Action of October 8, 2004 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment independent claims 1 and 9 have been changed to recite that the guide plates of the cooperating tubular assembly are planar and are coupled together so as to allow for relative rotational movement about a common axis which extends through the upper and lower guide plates, whereby relative rotational movement of the upper and lower guide plates about the common axis simultaneously causes the support arm to rotate about its central axis while pivoting the central axis of the support arm with respect to the cooperative tubular assembly.

This change to the independent claims was made in response to the outstanding rejection of the claims under 35 U.S.C. §112, second paragraph.

Also by the present amendment, claim 1 has been changed in the manner courteously suggested by the Examiner.

Entry of the changes to the claims is respectfully requested.

Claims 1-20 stand pending in this application.

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Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner stated that the previous recitation of "...upper and lower opposed guide plates which provide for relative rotational movement there between to simultaneously effect pivotal movement of the support arm with respect to the cooperative tubular assembly while effecting rotational movement..." was unclear.

The independent claims have presently been amended to recite that "relative rotational movement of the upper and lower guide plates about said common axis simultaneously causes the support arm to rotate..."

This change is believed to avoid the inference that the plates somehow alone provide for or cause the movement.

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No 3,648,867 to Beavers.

The Examiner has relied upon Beavers as disclosing "a spare tire carrier support arm 21 and tubular assembly 21, 22, 23, 24, 26."

Beavers does not teach upper and lower planar guide plates or any similar planar plate structure.

Accordingly, Beavers does not anticipate applicant's claimed invention.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is

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respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicant's claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

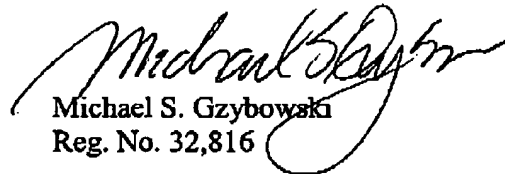
If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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